

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Jarrod Whitfield,)	C/A No.: 3:07-cv-02674-GRA-JRM
)	
Plaintiff,)	
)	ORDER
v.)	(Written Opinion)
)	
Beaufort County Council;)	
Gary Kubic;)	
Philip A. Foot;)	
C.E. Allen;)	
Joanne Deboe;)	
Charles A. Bush;)	
Southern Health Partners;)	
P.J. Tanner;)	
J. Garcia;)	
Michael M. Hatfield; and)	
Unnamed Deputy Sheriffs,)	
)	
Defendants.)	
)	

This matter is before the Court for a review of the magistrate's Report and Recommendation filed on July 28, 2008, and made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), D.S.C.. Plaintiff filed this *pro se* action on July 30, 2007. The magistrate construed the Complaint as an action pursuant to 42 U.S.C. § 1983.

Defendants Deboe, Bush and Southern Health Partners moved for summary judgment on January 25, 2008. The magistrate issued an order, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising the plaintiff about the potential consequences of failing to respond to the defendant's motion on January 3, 2008.

On January 11, 2008, Defendants Tanner, Garcia, Hatfield, Unnamed Deputy Sheriffs, Beaufort County Council, Kubic, Foot, and Allen, moved to dismiss. Subsequently, on January 29, 2008, these defendants filed a supplement to their Motion to Dismiss. On January 16, 2008 the magistrate issued an additional *Roseboro* order. The plaintiff did not respond to either the Motion to Dismiss or the Motion for Summary Judgement.

The magistrate now recommends dismissing Plaintiff's Complaint. Plaintiff did not file timely objections to the magistrate's recommendations. For the reasons stated herein, the Court adopts the magistrate's Report and Recommendation.

Standard of Review

Plaintiff brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *See Gordon v. Leake*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court

may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th. Cir. 1983). Plaintiff did not file timely objections.

After a thorough review of the magistrate's Report and Recommendation, the record, and relevant case law, this Court finds that the magistrate applied sound legal principles to the facts of this case. Therefore, this Court adopts the magistrate's Recommendation in its entirety.

IT IS THEREFORE SO ORDERED THAT the motion for summary judgement of Defendants Deboe, Bush and Southern Health Partners be GRANTED and that the motion to dismiss Defendants Tanner, Garcia, Hatfield, Unnamed Deputy Sheriffs, Beaufort County Council, Kubic, Foot, and Allen be GRANTED.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina

August 27, 2008.

NOTICE OF RIGHT TO APPEAL

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Plaintiff has the right to appeal this Order within thirty (30) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**